



# Management Update summary Minutes

OREGON

**August 08, 2023. 9:30 AM**

Courthouse Square, 555 Court St. NE, Salem  
5th Floor, Suite 5232, Commissioners Board Room

## ATTENDANCE:

Commissioners: Colm Willis, Kevin Cameron, and Danielle Bethell Staff: Jan Fritz, Matt Lawyer, Alvin Klausen, Nick Hunter, Shawnnell Fuentes, Gary White, Jessica Stanton, Brian Nicholas, Lari Rupp, Carl Lund, Lani Radtke, Phil Blea, Jennifer Chun, Max Hepburn, Jane Vetto, Alicia Cozad, Sherry Linter, Scott Norris, Chad Ball, Jeff White, Kyle McMann, Salvador Llerenas, and Leslie Martin.

Jan Fritz called the meeting to order at 9:35 a.m.

## INFORMATIONAL:

### **Proposed Second Amendment to the Private Development Agreement for Public Road Improvements with East Park, LLC Contract #PW-4927-22**

-Max Hepburn, Lani Radtke, Scott Norris

#### ***Summary of presentation:***

- This is a large subdivision between Auburn Road and State Street within Salem city limits;
- The first amendment was done in the beginning of the year;
- The developer reached out two months ago stating there are delays getting equipment for permanent signalization at Auburn and Cordon Roads;
  - This is a condition under the current agreement for the Phase Four plat;
  - This releases 80 lots for construction to begin in the next phase;
- An alternative plan has been in the works with the developer to get the Phase Four Plat recorded to continue construction and have signalization occur in phases;
- The second amendment includes the following;
  - A temporary signalization with wooden poles and aerial lines;
  - A permanent signalization will be constructed in 180 days;
  - The developer provides a performance bond worth three times the construction cost;
    - If something happens this covers construction of the permanent signalization; and
- This will allow the developer to continue while getting the signalization needed.

#### **Board Direction:**

- It is three times less expensive for a private company to install signalization;
  - The cost isn't necessarily more but there is a cost to collecting the bond.
- The developers legal counsel agreed to the three times;
- The developers are working as quickly as possible but there are delays; and
- This will come to board session on consent in September.

## **Transportation Planning/Feasibility Study Grant Opportunity: Rural and Tribal Assistance Pilot Program**

-Carl Lund, Lani Radtke

### **Summary of presentation:**

- Asking to submit three feasibility study grant applications for the following;
  - River Road North and Brooklake Road;
  - Silverton Road and Howell Prairie Road;
  - River Road South and the low clearance bridges where trucks get stuck;
- The grant will accept 10 to 20 applications this year;
- This seems to be a feeder grant for construction grants;
  - This may increase the odds of getting further construction grants;
- The cost of the feasibility studies is as follows;
  - In the first year it will be between \$160,000 to \$320,000;
  - In the second year it will be up to \$360,000;
- This is a federal grant;
- The signs on River Road are obvious and the turnaround point goes toward Brown's Island;
  - The difficulty is that Browns Island requires a lot of backing up and trucks are using driveways to turn around;
  - Part of the feasibility study is having something that actively detects;
    - This has been investigated for years, but it is very expensive.
- There are signs on Kuebler Road before Liberty Road;
- River and Brooklake Roads are struggling with capacity issues;
- Silverton and Howell Prairie Roads are struggling with capacity issues;
- The bridges on River Road are low clearance;
- These issues have had difficulty in finding other grants to help them;
  - This helps start the competitive process when grant opportunities come up;
  - Safety grants are easier than capacity grants to come by; and
- These areas are either not in the Salem-Keizer Area Transportation Study (SKATS) jurisdiction or did not score high enough.

### **Board Direction:**

- The signs on River Road are on Salem's right-a-way are obvious and the turnaround point goes toward Brown's Island;
  - The difficulty is there is much backing up and trucks are using driveways to turn around;
- The Board of Commissioners (BOC) is good to proceed.

## **Proposed Placement of Septic System Components in the Taylor Park Road Right-of-Way**

-Brian Nicholas

### **Summary of presentation:**

- A month ago, a grant easement was to be proposed to the property owners;
- The owners and septic vendors are having trouble finding a spot to lay the system;
  - The area needs to meet standards;
- The well is one foot into the property line and the foundation for the well shed is in the right-of-way;
- There are not many areas to place the drain field;
- The drain field must be 100 feet away from the well;
  - But with wildfire recovery rules this can go down to 50 feet;
- The parcel is on basalt bench;

- The property was previously two properties but has since been combined;
- The drain field was on the other side of the retaining wall;
  - This is next to the river and cannot be there;
- The drain field can be either in the corner or in the pocket of the two well setbacks;
- The wastewater specialist met the owners and septic installer, measured the drain field and outlined it;
- Stakes were set for a potential easement to place the drain lines;
  - The owners asked for a larger easement than what was needed;
- There is suitable soil, but it is in the right-a-way;
- The available space is on top of the basalt;
  - The basalt can be worked and a seepage bed placed on top;
  - Specific soils would need to be brought in to do the work;
  - This is an expensive option;
- The owners are eligible for the Residential Septic Grant, but the cap is \$50,000;
  - The seepage bed and all its requirements would be more than this;
  - The owner already paid for the surveyor;
    - They can be reimbursed for this through the Residential Septic Grant;
- Costs may need to be brought down to where they are covered;
- After researching the feasibility and easement of the area there are issues;
  - Taylor Park was deeded to the county;
  - The county owns the right-of-way and fee simple;
  - The deed has a restriction that is limited to public road use;
    - The area legally cannot be granted for anything other than road use;
  - An option is a limited vacation defining the footprint and vacate that right-of-way;
    - It will become an unencumbered parcel;
    - The cost is about \$1,500, this is public property, the homeowner would have to pay for the parcel;
      - A negotiated sale may be done;
    - The parcel will be created, conveyed, and then become the owners;
    - 10-foot setbacks at every point of the field from the parcel boundary it can be used;
    - A property line adjustment may be needed to combine the two units;
      - A drain field over a property line can be a problem;
- The septic grant is broad, and this may all be covered but it is a long process;
- Taylor Park Road may widen to a two-lane road, but it will not be anything more;
- The grant will pay a large portion of locating the field on the ballast but there will be significant out of pocket costs;
- There was no discussion with planning regarding sale of a vacated portion the county will be fee title holder of;
  - There may be concern of a unit of land being conveyed to the neighbor; and
- This should be done in six months.

**Board Direction:**

- Per the resident the septic and well were in the same area next to the road;
  - The well has been in there since the 1990s;
- Per the resident they never met with the septic installer, the contractor did;
- The owner is frustrated and would like to know where to place the septic system;
  - She does not want to move the well that in place for a long time;
  - She also does not want to pay a surveyor again; and

- The BOC is good to proceed with the first option.

### **Oregon Health Authority Choice Model Services Intergovernmental Agreement #HE-4614-22**

-Phil Blea, Jen Chun

#### **Summary of presentation:**

- This is the second request as the first ended June 30, 2023;
- Counties are negotiating with the OHA regarding IGA's and funding;
- The Choice Model serves those with severe and persistent mental health illness;
  - This covers the gaps in service for individuals in Medicaid;
- This contract doesn't shift the burden from the State Hospital to the county;
  - The new contract being negotiated is monitored and there is a meeting;
- It will be presented to the board on the consent agenda in two weeks;
- Individuals are covered as long as needed;
  - The work begins when they are hospitalized;
    - The Exceptional Needs Care Coordinator facilities discharge planning;
  - It covers those in licensed care systems;
    - Length of stay depends on needs;
    - Some move on in a few months and may go to supported housing;
      - The housing program is covered by choice dollars;
  - The goal is for individuals to live as independently as possible in the community;
- There are those on Medicaid but some services are not covered by Medicaid;
  - Certain barrier removals for supportive housing;
  - Subsidy payments for rent;
- A few on Medicare or Indigent have services that are not covered, and they have coverage through this program; and
- The agreement is to the end of the calendar year and a new contract is being negotiated.

#### **Board Direction:**

- The BOC is good to proceed to board session on the consent agenda.

### **2023-2025 Juvenile Crime Prevention Basic and Diversion Services Intergovernmental Agreement #JV-5602-23 and Funding Plan**

-Troy Gregg

#### **Summary of presentation:**

- Marion County receives a biennium allocation from the Juvenile Crime Prevention Basic and Diversion funding;
  - This is part of the Oregon Youth Authority biennium budget;
- A portion of this money funds the Guaranteed Attendance Program;
  - This funding is to be done retroactively for July 1, 2023;
- It is late because the Oregon Youth Authority was finalizing their budget;
- The funding is slightly less than before as a reduction was chosen; and
- This covers 43% of the staffing for the Guaranteed Attendance Program.

#### **Board Direction:**

- The BOC is good to proceed.

### **Opal Creek Promise-\$12 Million Grant Application Opportunity**

-Lari Rupp

#### **Summary of presentation:**

- This is a continued discussion from last week's meeting;
- The funding is from congressional appropriation for disaster relief;
- The following changes took place per the BOC direction;
  - The letterhead was changed on the grant application;
  - The spreadsheet of project categories was removed;
- The application needed to be submitted in November;
  - Senator Jeff Merkley gave pressure to submit before the new federal fiscal year;
- The application needs to be submitted this week; and
- The application is bare and after funding is secure detailed amendments will be submitted.

**Board Direction:**

- The BOC is good to proceed with submitting the application.

**2023 Marion County Public Safety Coordinating Council (MCPSCC) Membership Applications**

-Jessica Stanton, Gary White

**Summary of presentation:**

- The packet includes the individuals that applied and for what position;
- Some individuals are reappointments;
- There are positions that expired on July 31, 2023;
- The Volunteer Application included is filled out by all who sit on an advisory board for the county;
- A supplemental question asked how the applicant plans to communicate the board's discussions with the group they represent;
- Would like the BOC recommendations as there is a MCPSCC meeting today;
  - As well as prepare board orders for the earliest board session available;
- Two applied for the city councilor/mayor position;
  - Julie Hoy;
  - Aumsville city councilor Douglas Cox;
- Tim McCloud applied, and would like to serve either on the MCPSCC or Parks Board;
  - He has not submitted the supplemental question;
  - This would be an additional member at large position;
  - The parks board usually invites applicants to a meeting and see the interest;
- There are at large positions that are opening next year which are staggered;
- Chris Baldridge was the only applicant for the School District Representative;
  - All school superintendents were contacted through email, twice;
  - There were two individuals that reached out;
- The full board meets once every quarter, and the executive council meets monthly; and
- Shaney Starr is applying for the member at large position it does not indicate if she is representing Court Appointed Special Advocates (CASA).

**Board Direction:**

- Tim McCloud didn't submit the supplemental question so won't be appointed;
  - Brian May has his parks application;
- Julie Hoy has shown interest in public safety as a city councilor and business owner, this is her second time applying;
- It would be good to not have the group grow bigger;
- Everyone must apply even if they are previous members;
- Would like to see the attendance list of those reapplying;

- Would like to see what city each member represents;
- There are that need to be assessed when regarding the applications;
  - Those on the council because of their role in the public safety system;
    - School setting, hospital setting, the sheriff, etc.;
  - Those that have the geographic component;
  - Those that are interested and invested in the public safety system;
- Chris Hoy was city councilor of Salem and has a background in public safety, parole and probation, and reentry;
- Douglas Cox to be appointed under the city councilor position;
  - He needs to realize that he will need to communicate with all city councilors;
- In 2024 the positions will have to be looked closer in to;
- Those filling specific roles need to inform their peers across the county;
  - Commissioner Willis will let Douglas Cox know this; and
- The BOC is good to proceed with all appointments other than Tim McCloud.

### **Legislative Update:**

-Alvin Klausen

#### **Summary of presentation:**

- Oregon Department of Transportation (ODOT) requesting a letter of support for a project on I-5 near Kubler Road;
  - They would like to expand four lanes into six lanes;
  - This is ODOT's number one priority and the only one they are applying for;
  - They are funded for the southbound widening;
  - This is for the northbound widening;
  - There are cost savings in doing south and north widening at the same time;
    - Similar to Donald Aurora which was about \$5 million in savings;
  - Phase one of construction is moved from September to early next year;
  - This goes down to Delany Road;
- The meeting with Representative Tom Andersen has been set up;
  - Legislative priorities for short session; and
  - Funding opportunities.

#### **Board Direction:**

- ODOT Letter of Support – the BOC is good to proceed;
- The meeting with Representative Tom Anderson;
  - Commissioner Cameron will leave a little earlier;
  - The meeting will be done as a group;
  - The meeting is on August 31, 2023, at 2:30 pm;
  - The BOC will come up with what they would like to discuss;
  - It would be good to have legislative movers join the meeting;
- The legislative recap post needs to be thought through;
- A community survey needs to be done; and
  - One has been done every other year.

### COMMUNICATIONS UPDATE

-Jon Heynen

#### **Summary of presentation:**

- CGI Video – Promotional Marion County Video;
  - The script was received last week and emailed to the BOC;
  - They would like the BOC to narrate;

- They would like to highlight Portland and its close proximity;
- The sooner they get the edits then they can film;
  - There are many events at the end of the month that can be captured;
- GoGov Rollout;
  - Some department heads have completed the topic areas;
  - The departments that have not will be called and walked through the list;
  - Training then can begin happen;
  - After training the launch can begin;
- Environmental Trash Videos;
  - Covanta location will be filmed tomorrow from 10 am to 11:30 am;
  - Most filming will be done August 16 and 17;
    - Except Covanta who will not be operating on these days; and
  - All locations are mapped out and confirmed.

**Board Direction:**

- CGI Video – Promotional Marion County Video;
  - The BOC will not be promoting Portland; and
- The BOC is good to proceed.

COMMISSIONERS’ COMMITTEE ASSIGNMENTS and UPDATE

**Commissioner Danielle Bethell**

- N/A

**Commissioner Kevin Cameron**

- National Night Out went well;
- Met with Brian May and helped Jon get in contact with Covanta;
  - Public Works is preparing for their recycling event at Keizer Center;
- Mid-Willamette Valley Area Commission on Transportation (MWACT);
  - Metro is looking to come into Aurora;
- Tour of the Marion County Housing Authority units;
  - They can try to purchase a salvaged truck from Public Works;
  - The parking lot is a mess in Woodburn; and
  - Toured a unit in Silverton;
    - Will need to make the kitchens bigger; and
- Went up to the Canyon for the photo.

**Commissioner Colm Willis**

- N/A

**OTHER**

Commissioner Willis – Road concerns;

- Stayton Road citizen concerns;
  - Carl spoke with her, and she would like a no pass area in front of her home;
  - Road analysis was done and there is a meeting today with the analyst;
  - The road and Fatal and Serious Injuries Crash maps were observed:
    - Once all the data is analyzed the board and citizen will be updated;
    - There is a two-year lag with the maps;
    - The problems clumped around Rainbow Road;
    - This was discussed with residents as they see more of what happens;
    - The map will highlight which locations are more problematic;
  - There were crashes in front of the resident’s home, and her fence was taken out;
- Cascade Highway North of Sublimity intersection;

- This is a Marion County and Oregon Department of Transportation (ODOT) intersection;
- The Highway Safety Improvement Program All Road Transportation Safety Program (HSIP ARTS) was applied for;
  - This is money that comes through ODOT;
  - A feasibility study was started to look at alternatives;
    - The project would take many right-a-ways;
    - A home could be lost;
    - The cost benefit did not score high enough;
  - There needs to be serious and fatal crashes to be eligible for ARTS;
    - The project was eligible, but the cost was too high;
    - There was a benefit for the low severity accidents; and
    - Need to have fatal or serious injury.

**Salvador Llerenas, Jeff White, Cheryl Carder, and Jane Vetto** – Paid Leave Oregon (PLO);

- There were questions about what can and cannot be done;
- Would like to share the proposed policy so it can be sent to the union for review;
- Allowing augmenting with benefit accruals? depends on the situation;
  - If Oregon Family Leave Act (OFLA) and Family and Medical Leave Act (FMLA) are taken at the same time this is allowed as they are under designation;
    - Both allow employees to take paid leave;
- Those are not under the OFLA FMLA designation then it is permissive;
  - They have not been employed with the county 90 days, but their previous job earned them more than \$1,000 in leave;
  - They have been employed more than 90 days, but OFLA FMLA has been exhausted;
  - While they are out they will be getting the accrued vacation, sick time and two paid holidays;
- An employer is notified an employee is taking PLO by the employee giving 30-day notice if there is policy in place asking for this;
- Under Paid Leave Oregon the statute does not discuss how to find out what employee benefits are;
  - If an employee wants augmentation part of the policy needs to be the employee disclosing what the benefits are;
  - Have a form asking what is being received from the state so the correct augmentation amount will be provided;
- Under short term disability the employee is allowed to augment or not;
  - The same type of form will be replicated so it can be declared;
- Currently split pay checks received on an automated payroll system tax base off the annual tax table and then calculate too bi-weekly;
  - The annual gross is the same;
  - The split checks are two tax tables and there is a reduction in taxes;
  - Biweekly there is extra money;
  - At the end of the year, it will have to be paid;
- This could be reduced by augmenting to net instead of gross;
- Net pay would not be 100% as you would then get taxed on the net amount;
- Under the law the employer's contribution to health insurance must continue;
  - There is a provision stating an employer can recoup the employee's health care contribution by;



- The employee writes a personal check to the employer;
  - Under Bureau of Labor and Industries (BOLI) 10% arrears can be collected on checks until it is paid back;
- Paid Oregon Leave will give a certain amount of money but if wages are more this will limit how much can be augmented to not exceed regular net pay;
- Can try to work out what the average net take home is and coordinate with Human Resources to ensure augmenting is being calculated at that amount;
- The unions need to be notified of the policy 20 days for Marion County Law Enforcement Association (MCLEA) and the other unions are 15 days;
- The year starts in September;
- The county system will be apart from Paid Oregon Leave six days and it will be corrected July 1, 2024;
- Starting August 14, 2023, employees can start requesting PLO and it can be used starting September 3, 2023;
- Some positions pay higher because of overtime worked and the pay is self-reported for PLO;
  - Paystubs will also reflect the overtime worked;
  - Employees need to report wages not including overtime;
- There will be two different forms;
  - When FMLA and OFLA is requested, it will ask if PLO will be requested;
    - It can't be required to do this but there will be knowledge of who is;
    - The employment department will give notice is someone has filed;
  - If the employee wants to augment there will be a second form to say yes;
- All leaves will be done concurrently;
- The policy can require that the employees inform they are going on PLO;
- Base pay is the posted salary steps;
- The first six month of a new employee they begin to accrue sick leave and PLO can be requested if \$1,000 was earned elsewhere;
  - The employee will receive the accrued sick leave pay and PLO;
  - For this period there will be a cap for 100 percent;
  - Sick leave accrual and a paycheck from the state that is 60 percent of the pay can be received at the same time;
  - Current employees will not have this problem; and
  - The amount will be low.

**Board Direction:**

- Put together various scenarios of what can happen;
- The notice will be sent to all unions at the same time;
- Want to ensure that the language is clear;
- Augmentation will happen only to their base salary;
  - If more money is made, then the base augmentation can't happen;
- When the policy is sent out a draft of the form to be signed should be included;
- Augmentation will not happen beyond the base pay;
- Augmentation will not happen if an employee is just on PLO;
  - They are entitled to accrue sick leave;
- Worker's Compensation can be looked at another time; and
- The process for new employees will not be corrected as the accrual amount is low.

**Chad Ball – Tax Statements;**

- The assessor's office stated that tax statements will be going out and they would like to know if the board wants to include an insert;

- In the past it has been a white 1/3 of a page document; and
- This needs to be ready and printed by September 20, 2023.

**Board Direction:**

- The flyer should have general information;
- What does the aggregate breakdown of the tax revenue look like;
- If possible, have the wildfire recovery areas have the grant information;

**Jane Vetto** – Salem Payroll Tax;

- Salem was fighting with petitioners on which election the tax would go on;
- The position is if everything is done by August 9, it will be on the November ballot;
- There are over 10,600 signatures;
  - There have been those not from Salem that have signed the petition;
- The city of Salem is stating that it should be on the May election;
- If signatures are verified within 15 days this will be on the November election;
  - This will be done on time; and
  - This is being verified by the Clerk's Office.

**Adjourned** – time: 11:28 am

**Minutes by:** Mary Vityukova

**Reviewed by:** Gary L. White